

HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

Writ Petition No.15995 of 2004

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Between:

M/s. Nanda Printers, represented by
its Proprietrix, Hyderabad and another. ...Petitioners.

And

The General Manager,
Reserve Bank of India,
Hyderabad and two others. Respondents.

:: O R D E R ::

Counsel for the petitioners : Sri A. Bhaskara Chary

1st May, 2007

Per G.S. SINGHVI, C.J.

In this petition, the petitioners have made the following

substantive prayer:

“.....it is, therefore, prayed that this Hon'ble Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of mandamus declaring that the Award passed by respondent No.2 in R.C.No.22/05-03, dated 30-10-2003 has no jurisdiction to entertain and consequently proceedings in E.P.No.32/2004 on the file of the Hon'ble Chief Judge, City Civil Court, Hyderabad initiated by respondent No.3 is also contrary to the provisions laid down in the banking law, while holding that the Debt Recovery Tribunal alone has the jurisdiction for recovery of amounts exceeding Rs.10,00,000/- from the petitioners herein and hence it is contrary to the provisions of Recovery of Debts due to Banks and Financial Institutions Act, 1993 and pass such other order or orders as it deems fit and proper under the circumstances of this case.”

Learned counsel for the petitioners says that in view of the judgment of the Supreme Court in **Greater Bombay Co-operative Bank Ltd. v. M/s. United Yarn Tex. Pvt. Ltd.**^[1], his clients may be permitted to withdraw the writ petition with liberty to file fresh petition for challenging award dated 30-10-2003 passed by respondent No.2.

The request of the learned counsel is accepted and the writ petition is dismissed as withdrawn with liberty in terms of the prayer made. However, it is made clear that the petitioners shall not be entitled to challenge the award passed by respondent No.2 on the ground that after enactment of the Recovery of Debts Due to Banks and Financial Institutions Act, 1993, the provisions of the Andhra Pradesh Cooperative Societies Act, 1964 cannot be invoked for recovery of debts.

As a sequel to dismissal of the writ petition as withdrawn, WPMP. No.20868 of 2004 filed by the petitioner for interim relief is disposed of as infructuous and interim order dated 9-9-2004 is

vacated.

G.S.SINGHVI, C.J.

1st May, 2007

C.V.NAGARJUNA REDDY, J.

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[\[1\]](#) (2007) 3 SCJ 415